



**KAMARAJ IAS ACADEMY**  
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# CEC Removal Motion: Legal Provisions for Removing the Chief Election Commissioner

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## Why in News?

The Opposition is planning to move an impeachment motion against Gyanesh Kumar, the Chief Election Commissioner of the Election Commission of India.

The allegation is related to biased conduct during the Special Intensive Revision of electoral rolls, particularly in West Bengal.

## Constitutional Provision

The removal of the CEC is governed by **Article 324(5)** of the Constitution of India.

## Key provisions:

The Chief Election Commissioner can be removed in the same manner as a Supreme Court judge.

Other Election Commissioners can be removed only on the recommendation of the CEC.

## Legal Framework

Parliament enacted the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023.

Section 11 of the Act explains the procedure for resignation and removal of the CEC and Election Commissioners.

## Grounds for Removal

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The grounds are the same as those for removing a Supreme Court judge under Article 124(4) of the Constitution of India:

Proved Misbehaviour

Incapacity

### **Procedure for Removal of the CEC**

Initiation of Motion

Removal motion must be signed by:

100 members of the Lok Sabha, or 50 members of the Rajya Sabha.

### **Admission of Motion**

#### **The motion is submitted to:**

Speaker of Lok Sabha, or Chairman of Rajya Sabha.

They decide whether to admit or reject the motion.

### **Investigation Committee**

If admitted, a three-member committee is formed:

One Supreme Court Judge

One Chief Justice of a High Court

One Distinguished Jurist

### **Parliamentary Voting**

If the committee proves the charges, Parliament votes on the motion.

The motion must be passed by:

Majority of total membership of each House, and Two-thirds majority of members present and voting.

### **Final Removal**

After approval by both Houses in the same session, the recommendation is sent to the President of India, who issues the final removal order.